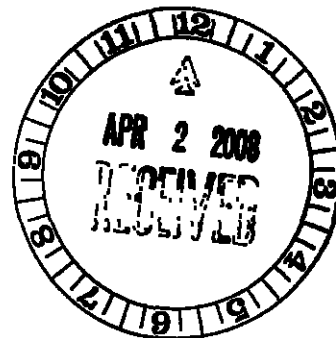


2773

**AFFIDAVIT OF ALLEN BENSON
(SECTION 1150.10(f))**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



**ENTERED
Office of Proceedings**

APR 2 2008

**Part of
Public Record**

Finance Docket No. 35106

UNITED STATES DEPARTMENT OF ENERGY

STATE OF NEVADA)
CLARK COUNTY)
)

I, Allen Benson, being duly sworn and deposed state, that I am the Director of the Office of External Affairs for the Department of Energy's Office of Civilian Radioactive Waste Management. I attest that I have written and detailed knowledge that the Department of Energy has met the requirements of 49 CFR 1150.10(f), by publishing a summary of the Department of Energy's Application for a Certificate of Public Convenience and Necessity to construct and operate the Caliente Rail Line in a newspaper of general circulation in Lincoln County, Nye County, and Esmeralda County, the counties in which the line is located. The notice was attached to the Department's application as Exhibit N, and is also included with this affidavit

Allen Benson

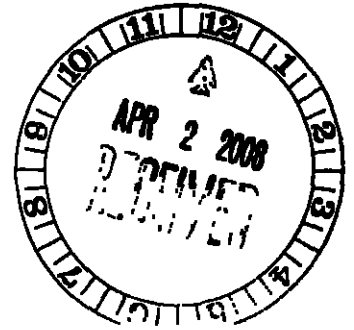
Subscribed and sworn to before me this 31st day of MARCH, 2008.

Notary Public

My Commission expires as of August 1, 2010.



EXHIBIT N
NOTICE REQUIRED UNDER 49 C.F.R. § 1150.9
BEFORE THE
SURFACE TRANSPORTATION BOARD
Finance Docket No. 35106



UNITED STATES DEPARTMENT OF ENERGY
--RAIL CONSTRUCTION AND OPERATION--
CALIENTE RAIL LINE IN LINCOLN, NYE,
AND ESMERALDA COUNTIES, NEVADA
NOTICE

APPLICANT: United States Department of Energy

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of an Application for a Certificate of Public Convenience and necessity

Summary:

The United States Department of Energy ("DOE") has filed an application with the Surface Transportation Board ("Board") requesting a Certificate of Public Convenience and Necessity to construct and operate approximately 300 miles of new rail line connecting existing rail line near Caliente, Nevada, to a proposed geologic repository at Yucca Mountain, Nye County, Nevada. The purpose of this rail line is to allow the DOE to transport spent nuclear fuel and high-level radioactive waste for disposal at a geologic repository, as well as to provide common carrier rail service to communities in Nevada situated along the rail line.

The DOE, with the Board as a cooperating agency, has prepared a *Draft Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada - Nevada Rail Transportation Corridor*, DOE/EIS-0250F-S2D ("Draft Nevada Rail Corridor SEIS") and *Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada*, DOE/EIS-0369D ("Draft Rail Alignment EIS") to assess the environmental impacts of the proposed rail line and to meet the DOE's obligations under the National Environmental Policy Act. The Draft Nevada Rail Corridor SEIS and the Draft Rail Alignment EIS are available on the DOE's website at: http://www.ocrwm.doe.gov/transport/draft_eis/index.shtml
Hard copies are also available at:

DOE Public Reading Room
2341 Postal Drive
Pahrump, Nevada 89048
(775) 751-7480

Documents also can be ordered by calling the OCRWM toll-free information line at 1-800-225-6972.

Any interested party may file written comments on the Application with the Board. Written comments should indicate the matter, Finance Docket No. 35106, and should be filed with the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. Comments should be submitted on or before April 21, 2008. In accordance with 49 C.F.R. § 1150.10(g), the original and 10 copies of all comments shall be filed with the Board, and a copy of each comment shall be served upon DOE's representatives:

Director, Office of Civilian Radioactive Waste Management
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Phone: 202-586-6842
Fax: 202-586-6630

Director, Office of Logistics Management
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Phone: 202-586-4167
Fax: 202-586-1047

Copies of correspondence should also be sent to:

Assistant General Counsel for Civilian Nuclear Programs
ATTN: Bradley L. Levine, GC-52
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Phone: 202-586-5857
Fax: 202-586-6977
Email: Bradley.Levine@hq.doe.gov

In accordance with 49 C.F.R. 1150.10(g) comments should contain the name and address of the commenting party and a statement describing such party's interest, including whether such party supports or opposes the application. In addition, a commenting party may provide a statement of position and a summary of evidence pertaining to the application. If an oral hearing is desired, this request, along with reasons why an oral hearing is warranted, should also be included in the comments.

In accordance with 49 C.F.R. § 1150.10(g), the Board will determine whether to hold a hearing, either oral or through the receipt of written statements, after consideration of all comments and the applicant's reply thereto and an assessment by the Board's Section of Environmental Analysis.

Parties seeking further information concerning this Application or the procedures under which it will be considered may contact:

Joseph Dettmar
Deputy Director, Office of Proceedings
395 E. Street, S.W.
Washington, DC 20423
(202) 245-0395

Copies of the Application are available for public inspection at the offices of the Board at:

Docket Room
395 E. Street, S.W.
Washington, DC 20423

Copies of the Application are also available from Applicant online at:
www.ocrwm.doe.gov

Hard copies are also available from Applicant at:

DOE Public Reading Room
2341 Postal Drive
Pahrump, Nevada 89048
(775) 751-7480

Documents also can also be ordered by calling the OCRWM toll-free information line at 1-800-225-6972.